

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)	Group Art Unit: 1646
)	
COX et al.)	Examiner: Xie, Xiaozhen
)	
Serial No.: 10/031,154)	Confirmation No.: 6320
)	
Filed: January 14, 2002)	<u>PETITION TO WITHDRAW</u>
)	<u>HOLDING OF ABANDONMENT</u>
Atty. File No.: 4152-3-PUS)	(37 CFR 1.181(a))
)	
For: "IMMUNOGLOBULIN FUSION)	
PROTEINS")	

***Submitted Via EFS-Web
On May 18, 2007***

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition to Withdraw Holding of Abandonment under 37 CFR 1.181(a) is submitted in response to a Notice of Abandonment mailed on March 21, 2007, for the above-identified patent application. The Notice of Abandonment mailed March 21, 2007 stated that Applicants had failed to timely file a proper reply to the Office letter mailed on June 27, 2006. This response is filed within two months of the mailing date of the Notice of Abandonment and is therefore believed to be timely.

With regard to the Notice of Abandonment, Applicants submit that the Patent Office is in error in stating that Applicants failed to timely file a proper reply to the June 27, 2006 Office Action.

The facts supporting Applicants' position are as follows. On December 27, 2006, Applicants filed with the United States Patent Office using EFS-Web electronic filing procedure, the following documents: (1) a Request for a 3 month extension of time, including authorization to debit the requisite fees via EFS-Web; (2) a Notice of Appeal, with authorization to debit the requisite fees via EFS-Web; and (3) an Electronic Patent Application Fee Transmittal. A copy of each of the above-identified documents, as well as a copy of the Electronic Acknowledgement

Receipt, showing a Patent Office receipt date of December 27, 2007, are attached hereto. Therefore, a Notice of Appeal and Request for Extension of time were timely filed, which extended the deadline for filing a response or an Appeal Brief, from December 27, 2007 to February 27, 2007. Furthermore, the deadline of February 27, 2007 is extendable according to the provisions of 37 CFR 1.136(a) for up to five additional months, or up to July 27, 2007. It is Applicants' intention to file a Request for Continued Examination with a reply that is fully responsive to the June 27, 2007 Office Action prior to July 27, 2007, along with the appropriate Request for Extension of time and all requisite fees due upon the date of such filing. Accordingly, it is submitted that the present application is not currently abandoned, nor should it have been abandoned on March 21, 2007.

It is further noted that in March 2007, just prior to the receipt of the Notice of Abandonment by the undersigned, Examiner Xie contacted the undersigned by telephone to inquire whether a response to the final Office Action had been filed. The undersigned pointed out to the Examiner that a Notice of Appeal had been filed and that a Request for Continued Examination was to be filed in due course, with any required further extension of time. The Examiner acknowledged that the Notice of Appeal was in the USPTO PAIR system at that time.

In view of the foregoing facts and the attached supporting documentation, Applicants submit that the required reply in response to the June 27, 2006 Office Action, in the form of a Notice of Appeal, was timely and properly filed and was received by the United States Patent Office. Applicants therefore respectfully request that the Examiner withdraw the holding of abandonment for the above-identified patent application, and allow the application to continue in prosecution.

No additional fees are believed to be due in connection with this Petition to Withdraw Holding of Abandonment, but in the event that fees are due, please debit Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: /Angela Dallas Sebor/
Angela Dallas Sebor
Registration No. 42,460
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
303) 863-9700

Date: May 18, 2007

Electronic Acknowledgement Receipt

EFS ID:	1401946
Application Number:	10031154
International Application Number:	
Confirmation Number:	6320
Title of Invention:	Immunoglobulin fusion proteins
First Named Inventor/Applicant Name:	George N. Cox
Customer Number:	22442
Filer:	Angela Dallas Sebor.
Filer Authorized By:	
Attorney Docket Number:	4152-3-PUS
Receipt Date:	27-DEC-2006
Filing Date:	24-APR-2002
Time Stamp:	17:57:38
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 760
RAM confirmation Number	593
Deposit Account	191970
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	Notice_Appeal.pdf	14316	no	1
Warnings:					
Information:					
2	Extension of Time	Extension_Time.pdf	14216	no	1
Warnings:					
Information:					
3	Fee Worksheet (PTO-06)	fee-info.pdf	8318	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			36850		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p>					

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In Re the Application of:)	Group Art Unit: 1646
)	
COX et al.)	Examiner: XIE, Xiaozhen
)	
Serial No.: 10/031,154)	Confirmation No.: 6320
)	
Filed: April 24, 2002)	<u>NOTICE OF APPEAL</u>
)	
Atty. File No.: 4152-3-PUS)	
)	
For: "IMMUNOGLOBULIN FUSION PROTEINS")	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the Examiner mailed June 27, 2006, finally rejecting Claims 67-70, 77-86, 90-96, 102-106, 109, 110, 112-118 and 122-124. Payment in the amount of \$250.00 for the Notice of Appeal fee specified in 37 CFR §41.20(b) and the amount of \$510.00 for a three-month Extension of Time is being submitted via EFS-Web concurrently with the filing of this paper.

A petition for an extension of time is also being submitted herewith. The petition for extension extends the time for response from September 27, 2006, to December 27, 2006. Accordingly, the Notice of Appeal is believed to be timely and no additional fee is believed to be required. Please credit any overpayment or debit any underpayment to Deposit Account 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: /Angela Dallas Sebor/
Angela Dallas Sebor
Registration No. 42,460
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: December 27, 2006

Electronic Patent Application Fee Transmittal

Application Number:	10031154			
Filing Date:	24-Apr-2002			
Title of Invention:	Immunoglobulin fusion proteins			
First Named Inventor/Applicant Name:	George N. Cox			
Filer:	Angela Dallas Sebor./Claudia Mendoza			
Attorney Docket Number:	4152-3-PUS			
Filed as Small Entity				
U.S. National Stage under 35 USC 371 Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	2401	1	250	250
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	510	510
Miscellaneous:				
Total in USD (\$)				760

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In Re the Application of:)	Group Art Unit: 1646
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COX et al.)	Examiner: XIE, Xiaozhen
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Serial No.: 10/031,154)	Confirmation No.: 6320
)	
Filed: April 24, 2002)	<u>REQUEST FOR EXTENSION OF TIME</u>
)	
Atty. File No.: 4152-3-PUS)	
)	
For: "IMMUNOGLOBULIN FUSION PROTEINS")	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

Applicants, through their attorneys, respectfully petition for an extension of time under 37 CFR § 1.136(a) of three (3) months to respond to the Office Action mailed on June 27, 2006, with respect to the above-identified application, thereby extending the period for response from September 27, 2006, to December 27, 2006.

Payment in the amount of \$510.00 as payment for the three-month extension fee is being submitted via EFS-Web concurrently with the filing of this paper. Please credit any overpayment or debit any underpayment to Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: \Angela Dallas Sebor\
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Date: December 27, 2006